

Amendment and Response
Applicant: Thomas L. Clubb
Serial No.: 10/724,816

Attorney Docket: EV31030US

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REMARKS

Claims 1 to 75 are pending. Claims 36, 43, and 72 have been amended. The Examiner withdrew claims 7 to 11, 30 to 32, 34, 39 to 41, 44, 54 to 58, 66 to 68, 70, and 73 to 75 as being drawn to a non-elected species. Claims 1 to 6, 12 to 29, 33, 35 to 38, 42, 43, 45 to 53, 59 to 65, 69, 71, and 72 are under examination.

The Examiner objected to claims 36, 43, and 72 as being unclear. Although Applicant disagrees with the Examiner, these claims have been amended as suggested by the Examiner. The last two occurrences of "adjacent to" in each of these claims have been replaced by "abutting". The first occurrence of "adjacent to" in each of these claims has been retained because similar language occurs in several claims that have not been objected to. Accordingly, Applicants respectfully request that the Examiner withdraw this objection to the claims

The Examiner rejected claims 1 to 3, 6, 12 to 17, 22, 23, 25, 29, 33, 35 to 38, 42, 43, 46 to 50, 53, 59 to 65, 69, 71, and 72 under 35 U.S.C. § 102(e) as unpatentable over U.S. Patent Application Publication No. 2003/0171770 A1 to Kusleika et al. ("Kusleika").

Applicants respectfully traverse this rejection of the claims. Figure 1 of Kusleika does not show a catheter having first and second tubular bodies "being permanently disposed so the first and second tubular bodies are not adjacent to each other" as recited by the independent claims under examination (claims 1, 36, 42, 43, 45, and 72). The Examiner states that in Figure 1 first tubular body (catheter C) and second tubular body (filter 10) are connected by an elongate member (flexible wire 15). However, this "connection" is non-permanent in that it allows the catheter C and the filter 10 to slide axially relative to each other and also allows the flexible wire 15 and filter 10 to be separated entirely from catheter C. Further, the slideable connection allows the catheter C and the filter 10 to come into contact with each other, for example, during delivery or recovery of

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filter 10 into catheter C. See paragraphs [0050] and [0107]. Kusleika does not teach or suggest a catheter having first and second tubular bodies "being permanently disposed so the first and second tubular bodies are not adjacent to each other" as recited by the claims under examination. Accordingly, Applicants respectfully request that the Examiner withdraw this rejection of the claims.

The Examiner rejected claims 1 to 3, 6, 15 to 17, 28, 29, 33, 35 to 38, 42, 43, 47 to 50, 53, 59 to 65, 69, 71, and 72 under 35 U.S.C. § 102(e) as unpatentable over U.S. Patent Application Publication No. 2003/0125751 A1 to Griffin et al. ("Griffin").

Applicants respectfully traverse this rejection of the claims. Figures 6(a) to 6(c) of Griffin do not show a catheter having first and second bodies "being permanently disposed so the first and second tubular bodies are not adjacent to each other" as recited by the independent claims under examination (claims 1, 36, 42, 43, 45, and 72). The Examiner states that Griffin teaches a catheter comprising a first tubular body (shank 9) and second tubular body (guidewire stop 29) connected by an elongate member (guidewire 21). However, this "connection" is non-permanent in that it allows the shank 9 and the guidewire stop 29 to slide axially relative to each other and also allows the shank 9 and guidewire stop 29 to be separated entirely from each other. Griffin does not teach or suggest a catheter having first and second tubular bodies "being permanently disposed so the first and second tubular bodies are not adjacent to each other" as recited by the claims under examination. Accordingly, Applicants respectfully request that the Examiner withdraw this rejection of the claims.

The Examiner rejected claims 4, 5, 51, and 52 under 35 U.S.C. § 103(a) as unpatentable over Griffin.

Applicants respectfully traverse this rejection of the claims. Claims 4 and 5 depend from claim 1 and claims 51 and 52 depend from claim 45. As discussed

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above, Griffin does not teach or suggest a catheter having first and second tubular bodies "being permanently disposed so the first and second tubular bodies are not adjacent to each other" as recited by the claims under examination. Accordingly, Applicants respectfully request that the Examiner withdraw this rejection of the claims.

The Examiner rejected claims 18 to 28 under 35 U.S.C. § 103(a) as unpatentable over Kusleika.

Applicants respectfully traverse this rejection of the claims. Claims 18 to 28 depend from claim 1. As discussed above, Kusleika does not teach or suggest a catheter having first and second tubular bodies "being permanently disposed so the first and second tubular bodies are not adjacent to each other" as recited by the claims under examination. Accordingly, Applicants respectfully request that the Examiner withdraw this rejection of the claims.

In view of the above amendments and remarks, Applicants respectfully request that the Examiner withdraw the objections to and the rejections of the claims.

If any additional fees are due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 16-2312. If a fee is required for

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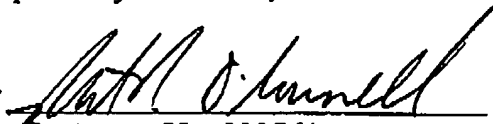
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an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our deposit account.

Respectfully submitted,

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By



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